

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

**JOHN McFERREN, JR., et al.,
Plaintiffs,**

and

**UNITED STATES OF AMERICA,
Plaintiff-Intervenor,**

v.

**COUNTY BOARD OF EDUCATION OF
FAYETTE COUNTY, et al.,
Defendants.**

CIVIL ACTION NO.: 2:65-cv-136

ORDER GRANTING JOINT MOTION TO MODIFY CONSENT ORDER

Before the Court is a Joint Motion by Plaintiffs Class Representatives Vickie Shelton and Tracy Wade (the “Plaintiffs”), the Plaintiff-Intervenor United States of America (the “United States”), and the Defendant County Board of Education of Fayette County, Tennessee (the “District”) (collectively, the “Parties”), to modify this Court’s October 11, 2023, Consent Order, ECF No. 198 (“Consent Order”) for the sole purpose of revising the date on which the District may move for unitary status.

The Parties request that the Court modify the first paragraph of Section V of the Consent Order to state: “The District will finalize all revisions to the Gifted Plan, its new discipline policies and procedures, and the Minority Recruiting, Hiring and Retention Plan, and complete all related training by no later than October 1, 2024, or file a joint status report to the Court explaining why implementation has been delayed. The District may move for unitary status and dismissal of this

case no earlier than the end of the second school year after the revised policies are implemented, so long as the revised policies and related trainings are implemented by October 1 of the first year (*i.e.*, the District may move at the end of the 2025-2026 school year if the revised policies are implemented by October 1, 2024; but the District may not move for unitary status until the end of the 2026-2027 school year if the revised policies are implemented between October 2, 2024, and the end of the 2024-2025 school year). Prior to the District filing a motion for unitary status, the parties will confer to determine whether they can agree that the District can demonstrate that it has implemented in good faith a section or sections of this Consent Order for a reasonable period of time. In the event the parties cannot agree and the District intends to file a motion for declaration of full unitary status and dismissal of this case, the parties will ask the Court to adopt a scheduling order with a discovery period and other appropriate deadlines ahead of an evidentiary hearing.”

The Court finds that the Motion is well taken, and it is THEREFORE ORDERED that the Joint Motion to Modify the Consent Order, as stated, is **GRANTED**.

IT IS SO ORDERED.

s/ **S. Thomas Anderson**
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: July 9, 2024